



REPUBLIC OF KENYA



KENYA LAW
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**Langat v Republic (Criminal Revision E145 of 2025)
[2025] KEHC 11578 (KLR) (4 August 2025) (Ruling)**

Neutral citation: [2025] KEHC 11578 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E145 OF 2025
RN NYAKUNDI, J
AUGUST 4, 2025**

BETWEEN

JACKSON LANGAT APPLICANT

AND

REPUBLIC RESPONDENT

(Being a Revision from the Judgement of Hon. Mogire (SPM) dated 17.3.2025)

RULING

1. The applicant herein was charged with the offence of cutting forest produce in a public forest without authority contrary to section 64[2] as read with section 68[1] of the [Forest Conservation and Management Act](#) of 2016. The brief facts are that Jackson Langat & Another on the 12th day of March 2025, at 1100hrs in Cherus beat area at Cengalo public forest within Uasin Gishu County, were found in possession of logging equipment namely; one panga, one axe and two medium size logs of cypress jointly and unlawfully cut forest produce namely 30 cypress estimated to be valued at Kshs. 150,000/= the property of Kenya Forest Service without a permit or a management agreement issued by or entered into with Kenya Forest Service.
2. He pleaded guilty to the offence, was convicted and sentenced to 1-year imprisonment. He has now applied for his sentence to be reviewed and the remainder of the sentence of 4 months at the Sengalo dispensary under the supervision of the officer in-charge.
3. The Applicant filed a Sentence Review Report dated 30th July 2025 which had the following information:

CURRENT FAMILY AND PERSONAL HISTORY

The inmate before court is the son of the late Kipkemei Rotich and one Magdalene Rotich of Ndungulu, Uasin Gishu County. He is the fifth-born in a family of nine children, who



are all adults leading independent lives. The family enjoys cordial ties. There is no history of criminality in the family.

The inmate was born in 1990 in Ndungulu, upon attaining school going age, he was enrolled to Sochoi primary school. He thereafter dropped out in class five due to lack of school fees. He has since been doing casual jobs to earn a living in Ndungulu village. The inmate is married to one Eunice Jepkemboi with whom they have sired two children. The first child is Brian Langat and the second is Easteen Jepkoech, all learners at Ndungulu primary school.

PRISON ASSEMENT REHABILITATION AND RE-INTERGRATION

During his time in prison, the offender has shown a positive attitude towards rehabilitation. He has actively engaged in the farm, in vegetable growing and tending to the sheep. The inmate states that he has undergone rehabilitation. Upon his release, he plans to return to his family in Ndungulu. The prison authorities regard him well and recommend his early release.

OFFENDERS' ATTITUDE TOWARDS NON-CUSTODIAL SENTENCE

The offender accepts the non-custodial sentence and is willing to work without pay.

CONCLUSION

Your Lordship, the inmate before court is a 35 years old man who was sentenced for one year for the offence of cutting forest produce. He has undergone rehabilitation and the prison authorities regard him well. The inmate has acquired vegetable farming skills which he hopes to make living from upon release. He has a supportive family that is willing to help in the reintegration of the inmate to the community.

RECOMMENDATION

Considering the above, I recommend that he be placed on Community Service Order [CSO] for the remaining period of his sentence [4 months] at Sengalo dispensary under the supervision of the officer-in-charge.

Decision

4. This application has been filed under the Art 165 [6] [7] of *the constitution* as read with section 362 & 364 of the *Criminal Procedure Code* where the applicant seeks a review of a sentence of two counts namely:
 - a. Cutting forest produce in a public forest without authority contrary to section 64[2] as read with section 68[1] of the *Forest Conservation and Management Act* of 2016 and was fined Kshs. 100,000/= in default 12 months'.
 - b. Intruding logging tools in a state forest contrary to section 64[1] [k] as read with 62[2] of the *Forest Conservation and Management Act* No. 34 of 2016 and was fined Kshs. 20,000/= in default 3 months' imprisonment running concurrently.
5. In any proceeding, the record of which has been called for by the High Court or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 347, 348A, 349, 350, 351, 352A, and 353 of the *Criminal Procedure Code*. However, no order under these sections shall be made to the prejudice of the accused or any other person unless he or she has had an opportunity of being heard, either personally or through a pleader, in his or her own defence. It is also the letter and spirit of the code that nothing in these sections shall be deemed to authorize the High Court to convert a finding of acquittal into one of conviction. It is also implicit from the above provisions that where under this code an appeal lies and no appeal is brought



no proceeding by way of revision under section 362 & 364 shall be entertained at the instance of the party who could have appeal. Which means where under this code an appeal lies but an application for revision has been made to the High Court by any person and the High Court is satisfied that such application was made under the erroneous belief that no appeal lies thereto and that it is necessary in the interests of justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly.

6. The short point on this matter is whether this court has power to review an order on sentence made by one of the magistrate deployed in the Magistrate Court at Eldoret to have the sentence re-substituted with that of non-custodial as recommended by the probation officer in his report dated 28th July 2025. From the peruse of the record the two offenders moved to the Kenya Forest at Cengalo public forest and jointly and unlawfully cut forest produce of 30 cypress trees without a permit from the Kenya Forest Service. In terms of our environmental protection cutting of trees contributes greatly to the climate change in our country and globally as research continues to demonstrate. It is the duty of every Kenyan within our borders to undertake remedial action towards environmental protection the applicants are part of that great vision and mission of the country.
7. This incident should have involved an order of the court being issued to the applicants to restore the destroyed forest cover of 30 cypress trees which they unlawfully cut down without a permit from the Kenya Forest Service. Yes, the sentence has a deterrent measure for those found culpable of destroying forest cover with impunity. If indeed the probation officer could have carried out a proper social inquiry report the applicant could have been subjected to be placed on community service order within the same forest they destroyed for them to be supplied with seedlings of the same type to restore the forest cover within Cengalo public forest. In this respect I exercise discretion to review the custodial sentence and have the two applicants currently convicted of the offence to be released and serve the balance of the sentence on CSO for Jackson Langat whereas James Koskei should be placed on probation. It is so ordered.

DATED, SIGNED AND DELIVERED VIA CTS AT ELDORET THIS 4TH AUGUST 2025

R. NYAKUNDI

JUDGE

